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8 Attorneys for Plaintiff  
9 WILLIAM TAYLOR

10 **UNLIMITED JURISDICTION**  
11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **FOR THE COUNTY OF LOS ANGELES**  
13

14 WILLIAM TAYLOR,

15 Plaintiff,

16 vs.

17 CITY OF BURBANK and DOES 1 through  
18 100, inclusive,

19 Defendants.  
20  
21  
22  
23  
24  
25

CASE NO. BC 422 252

[Assigned to John Shepard Wiley, Jr.,  
Judge, Dept. "50"]

PLAINTIFF'S REPLY TO DEFENDANT  
CITY OF BURBANK'S OPPOSITION TO  
PLAINTIFF'S MOTION FOR  
DISCOVERY OF PEACE OFFICER  
PERSONNEL AND OTHER RECORDS  
REGARDING THE INVESTIGATION OF  
THE BURABNK POLICE  
DEPARTMENT CONDUCTED BY  
MERRICK BOBB

Date: January 19, 2011  
Time: 8:30 a.m.  
Dept.: "50"

Action Filed: September 22, 2009

26 TO THE COURT, ALL PARTIES AND THEIR COUNSEL OF RECORD, AND TO  
27 THE CITY OF BURBANK, AND THE CITY OF BURBANK POLICE DEPARTMENT:  
28

1 **PLEASE TAKE NOTICE** that Plaintiff William Taylor (hereafter "Plaintiff") hereby  
2 presents the following reply in support of Plaintiff's motion for an order that Defendant City  
3 of Burbank ("defendant") and the Burbank Police Department ("BPD") produce certain  
4 records regarding an investigation conducted by Merrick Bobb regarding the Burbank  
5 Police Department, more specifically the evaluation of the Burbank Police Department  
6 following the allegations in Porto's and the termination of plaintiff, pursuant to *Evidence*  
7 *Code* §§ 1043 and 1045.

8 I.

9 **INTRODUCTION**

10 Plaintiff submitted a *Pitchess* motion requesting specific documents relating to an  
11 investigation conducted by Merrick Bobb ("Mr. Bobb") regarding the Burbank Police  
12 Department. Defendant objected to such request, asserting an attorney-client privilege to  
13 such documents.

14 II.

15 **THE COURT SHOULD GRANT A CONTINUANCE IN HEARING THIS MOTION TO**  
16 **ALLOW AMPLE TIME FOR PLAINTIFF TO DEPOSE MERRICK BOBB AND DEBRA**  
17 **WONG YANG.**

18 In light of Defendant's statement and the declaration of Debra Wong Yang ("Ms.  
19 Yang"), Plaintiff respectfully requests that the court allow Plaintiff to take the depositions of  
20 Merrick Bobb and Debra Wong Yang. The requested depositions will assist in determining  
21 whether in-fact Merrick Bobb and/or Ms. Yang performed the duties of an attorney in the  
22 underlying investigation for which documents are being sought to be produced to Plaintiff.

23 More specifically, documents prepared by an attorney, including opinions and  
24 impressions, do not become privileged communications or work product if the attorney  
25 was hired to conduct an independent investigation. *Wellpoint Health Networks, Inc. v.*  
26 *Superior Court* (1997) 59 Cal.App.4th 110. In addition, communications with an attorney  
27 are not protected by the attorney-client privilege unless the dominant purpose of the  
28 particular communication was to secure or render legal service or advice. *Montebello*

1 *Rose Co. v. Agricultural Labor Relations Bd.* (1981) 119 Cal.App.3d 1, 32.

2 Therefore, Plaintiff requests a 30-day continuance of this motion so that the  
3 depositions of Mr. Bobb and Ms. Yang may be taken to determine the scope of their  
4 duties in the subject investigation.

5 III.

6 **Conclusion**

7 For the reasons mentioned above, Plaintiff respectfully requests that the court continue  
8 the hearing date scheduled for this *Pitchess* motion for a minimum of 30 days, so Plaintiff  
9 can have an opportunity to conduct the required depositions.

10  
11  
12  
13 Dated: January 11, 2011

LAW OFFICES OF GREGORY W. SMITH

14 By: 

15 BORIS KORON  
16 Attorneys for Plaintiff  
17 WILLIAM TAYLOR  
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1 PROOF OF SERVICE

2 STATE OF CALIFORNIA )  
3 )  
4 COUNTY OF LOS ANGELES )

5 I am employed in the County of Los Angeles, State of California. I am over the age  
6 of 18 years of age, and am not a party to the within action; my business address is 9100  
7 Wilshire Boulevard, Suite 345E, Beverly Hills, California 90212.

8 On the date hereinbelow specified, I served the foregoing document, described as  
9 set forth below on the interested parties in this action by placing true copies thereof  
10 enclosed in sealed envelopes, at Beverly Hills, addressed as follows:

11 DATE OF SERVICE : January 11, 2011

12 DOCUMENT SERVED : **PLAINTIFF'S REPLY TO DEFENDANT CITY OF**  
13 **BURBANK'S OPPOSITION TO PLAINTIFF'S MOTION**  
14 **FOR DISCOVERY OF PEACE OFFICER PERSONNEL**  
15 **AND OTHER RECORDS REGARDING THE**  
16 **INVESTIGATION OF THE BURABNK POLICE**  
17 **DEPARTMENT CONDUCTED BY MERRICK BOBB**

18 PARTIES SERVED : **SEE ATTACHED SERVICE LIST.**

19 XXX (BY FEDERAL EXPRESS) I caused the aforesaid document(s) to be delivered to  
20 Federal Express either by an authorized courier of Federal Express or by delivery  
21 to an authorized Federal Express office in a pre-paid envelope for overnight  
22 delivery to the addressee(s) as shown on the Service List.

23 XXX (BY ELECTRONIC MAIL) I caused such document to be electronically mailed to  
24 **Christopher Brizzolara, Esq.** at the following e-mail address:  
25 samurai@adelphia.net.

26 XXX (STATE) I declare under penalty of perjury under the laws of the State of California  
27 that the above is true and correct.

28 (FEDERAL) I declare that I am employed in the office of a member of the bar of this  
court at whose direction the service was made.

EXECUTED at Beverly Hills, California on January 11, 2011.

\_\_\_\_\_  
Selma I. Francia

**SERVICE LIST**

**WILLIAM TAYLOR v. CITY OF BURBANK  
LOS ANGELES COUNTY SUPERIOR COURT CASE NO. BC 422 252**

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City of Burbank  
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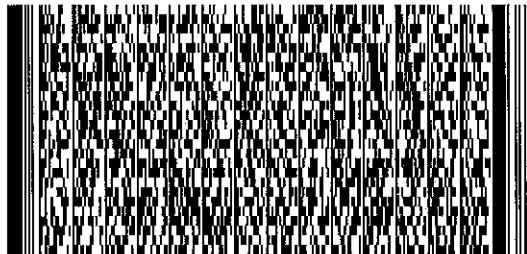
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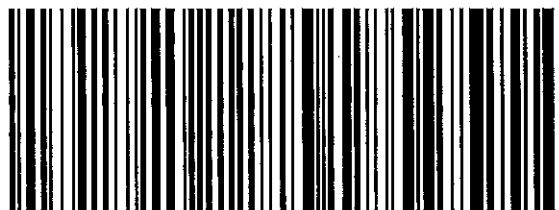
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**Carol A. Humiston, Sr. Asst. City A**  
**Office of the City Attorney**  
**275 East Olive Avenue**  
**Burbank, CA 91510**



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